## NOT FOR PUBLICATION

## UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

WINGATE INNS INTERNATIONAL, INC.,

Plaintiff, : **ORDER** 

v. : Civ. No. 09-cv-6198 (WHW)

P.G.S., LLC, and ANTONINO PECORA,

Defendants.

:

## Walls, Senior District Judge

This matter having been opened to the Court by Plaintiff Wingate Inns International, Inc. ("Wingate"), by its attorneys, Lowenstein Sandler PC, for an Order granting summary judgment as to the Third, Fifth, Seventh, and Eighth Counts of the Verified Complaint against Defendants P.G.S., LLC ("PGS") and Antonino Pecora ("Pecora") and granting summary judgment in favor of Wingate on each of the counts asserted against it in Defendants' Counterclaim in accordance with Rule 56 of the Federal Rules of Civil Procedure, and the Court having considered the papers submitted, and for good cause shown;

IT IS on this 16<sup>th</sup> day of August, 2012,

## ORDERED as follows:

- Wingate's motion for summary judgment is granted as to the Third, Fifth, Seventh, and Eighth Counts of the Verified Complaint;
- 2. Judgment is entered in favor of Wingate and against Defendants PGS and Pecora, jointly and severally, in the total amount of \$647,948.22 composed of the following:

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a. \$250,000 for liquidated damages;

b. \$224,614.89 in Recurring Fees;

c. \$173,333.33 due under the Note in outstanding principal;

3. Wingate is awarded prejudgment interest on liquidated damages, Recurring Fees, and the

amount due under the Note in an amount to be determined by the Court upon Wingate's

submission of an affidavit containing itemized calculations of such interest according to

the applicable contracts through the date of this Order within 30 days of the date of this

Order;

4. The First, Second, Fourth, and Sixth Counts of the Verified Complaint are dismissed with

prejudice;

5. Wingate's motion for summary judgment is granted as to each of the counts asserted

against it in Defendants' Counterclaim, and the Counterclaim is dismissed with prejudice;

and

6. Wingate is awarded attorneys' fees and costs of suit in an amount to be determined by the

Court upon Wingate's submission of an affidavit setting forth its attorneys' fees and costs

of suit within 30 days of the date of this Order.

/s William H. Walls

United States Senior District Judge

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